

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN K. WALTON,

Plaintiff,

VS.

DOUGLAS COUNTY DEPARTMENT
OF CORRECTIONS STAFF, et al.,

Defendants.

8:06cv375

MEMORANDUM AND ORDER

This matter is before the court pursuant to NECivR 41.1, which states in pertinent part: “At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution.” The plaintiff, John K. Walton, has not responded to an Order to Show Cause whether the case had been abandoned (filing no. 12), and, as the court notified the plaintiff in filing no. 12, the above-entitled case is hereby dismissed, without prejudice, for failure to prosecute. The plaintiff, who is now a nonprisoner, is free to bring his claims at some more convenient time within the four-year statute of limitations which began to run on the date of the incident in question.

Therefore, pursuant to NECivR 41.1, the plaintiff's complaint and the above-entitled action are dismissed without prejudice. A separate judgment will be entered accordingly.

SO ORDERED.

DATED this 28th day of February, 2007.

BY THE COURT:

s/ Joseph F. Bataillon

JOSEPH F. BATAILLON

Chief United States District Judge